

NOTICE OF LAWSUIT

If you were employed as a waitress or dancer at Los Dos Portrillos located on 116th Street in Manhattan between July 23, 2007 and the present, please read this notice.

A collective action lawsuit may affect your legal rights.

This is a court-authorized notice. This is not a solicitation from a lawyer.

- Francisca Sanchez, Mayra Morgado and Maria Reyes, former employees of Los Dos Potrillos (“Plaintiffs”) have sued El Rancho Sports Bar Corp., Araceli Ortega and Raul Ortega (together, the “Defendants”), claiming, among other things, that Defendants unlawfully paid them less than the full minimum wage and overtime wage required by federal and New York State law.
- Defendants deny that they have committed any wrongdoing and dispute the claims alleged in this lawsuit.
- The Court has not yet determined who is right.
- Your legal rights may be affected, and you have a choice to make now as to whether or not you wish to join this lawsuit
- Your options are explained in this notice. To ask to be included in the Collective Action portion of this lawsuit, you must act before [DATE].
- You are entitled to join this case no matter your immigration status.
- It is illegal for Defendants to retaliate against you because you join this lawsuit. Defendants may not reduce your schedule, suspend you, terminate you, reduce your rate of pay or report you to immigration because you join this lawsuit.

1. Why did I get this notice?

You are receiving this notice because the Defendants' records show that you work or worked for Defendants between July 23, 2007 and the present.

2. What is this lawsuit about?

This lawsuit is about whether the Defendants' pay practices complied with federal and/or New York law. Plaintiffs allege that Defendants violated federal law by (1) paying workers less than the required minimum wage and (2) failing to pay employees overtime pay at the proper time-and-a-half overtime rate for each week in which they worked over 40 hours. A trial may be necessary to decide whether the claims being made against the Defendants are correct. The Honorable Ronnie Abrams, United States District Court Judge in the Southern District of New York, is overseeing this case. The lawsuit is known as *Sanchez et. al. v. Los 2 Potrillos Restaurant Corp.*, No. 13-cv-5119(RA). **Please do not contact Judge Abrams with questions.**

3. What is the Defendants' position?

The Defendants deny that they violated federal and New York Law. In particular, Defendants deny that they failed to pay all proper wages.

4. What is a Collective Action and who is involved?

In a collective action lawsuit, individuals can bring a lawsuit on behalf of others who have similar claims. All individuals who worked for Defendants between July 23, 2010 and the present and who decide to participate in the case are conditionally part of the "Collective Action" and are "Collective Action Members" against Defendants. The Court resolves the issues for everyone who joins the case.

If you choose to join this Collective Action, your continued right to participate in this lawsuit may depend on a later decision by the Court as to whether you and the Plaintiffs are similarly situated in accordance with applicable law and whether it is appropriate for this case to continue as a Collective Action.

But even if you worked for Defendants before July 23, 2010, you may still be able to join this case. To find out if you are eligible to join this lawsuit, contact Plaintiffs' attorneys via the address, telephone number or email address in **Section 9 below**.

5. Why is this lawsuit a Conditional Collective Action?

The Court has conditionally authorized this case to proceed as a Collective Action under § 216(b) of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 216(b) in order to provide notice of Plaintiffs' claims that the Defendants unlawfully failed to pay the minimum wage and failed to pay overtime properly.

6. Has the Court decided who is right?

The Court has not decided whether the Defendants or the Plaintiffs are correct. By certifying the Collective Action and issuing the Notice, the Court is not suggesting that the Plaintiffs will win the case.

7. What are the Plaintiffs asking for?

With respect to the federal claims to which this notice relates, Plaintiffs are seeking to recover minimum wages and overtime wages. Plaintiffs also are seeking to recover 100% (double) liquidated damages, attorneys' fees and costs. Plaintiffs also have claims under New York State law which also allows damages.

8. Can I join this lawsuit?

To be eligible to join this lawsuit, you must have worked for Defendants at any time between July 23, 2007 and the present. You are not required to join this lawsuit but may join if you choose to do so and are eligible.

9. I'm still not sure if I am included.

If you have any questions, you may contact Plaintiffs' attorneys:

**Alan Serrins, Esq.
Michael Taubenfeld, Esq.
Serrins Fisher LLP
233 Broadway, Suite 2340
New York, NY 10279
Tel.: 212-571-0700
alan@serrinsfisher.com
michael@serrinsfisher.com**

10. What happens if I do nothing at all?

If you choose not to join this lawsuit, you will not be affected by any ruling, judgment or settlement rendered in this case, whether favorable or unfavorable. You will not be entitled to share any amounts recovered by Plaintiffs as part of this lawsuit. You also will be free to independently retain your own attorney and file your own lawsuit. You should be aware that your federal wage and hour claims are limited by a two or three-year statute of limitations.

11. What happens if I join the lawsuit?

If you choose to join this lawsuit, you will be bound by any ruling, settlement or judgment, whether favorable or unfavorable.

The attorneys representing the Plaintiffs are being paid on a contingency-fee basis, which means that if there is no recovery, the attorneys will not collect any fees. You will not be responsible for any attorneys' fees if your claims are unsuccessful. If there is a recovery, however, the attorneys for the Plaintiffs will receive a part of any settlement obtained or money judgment entered in favor of Plaintiffs. However, under both the federal and New York State law, Plaintiffs' attorney may apply to the Court to have Defendants pay Plaintiffs' attorneys' fees and costs and the Court has discretion as to the amount of fees and costs awarded.

12. Does my immigration status matter?

Your immigration status does not matter. It does not affect your right to recover back wages or to participate in this lawsuit. **You will not be asked to disclose your immigration status. You will not be asked to discuss whether you are a citizen or have a green card in order to participate in this suit.**

13. How do I ask the Court to include me in the case?

Enclosed is a form called "Consent to Join." **If you worked for Defendants between July 23, 2010 and the present and choose to join this lawsuit, it is extremely important that you read, sign, and promptly return the Consent to Join form.** An addressed and postage-paid envelope is enclosed for your convenience. Should the enclosed envelope be lost or misplaced, the Consent to Join Form must be sent to:

**Alan Serrins, Esq.
Serrins Fisher LLP
233 Broadway, Suite 2340
New York, NY 10279**

You can also fax the Consent to Join form to 212-233-3801 or scan and email it to **alan@serrinsfisher.com** or **michael@serrinsfisher.com**.

The signed Consent to Join form must be postmarked, emailed, or faxed by [DATE]. **If your signed Consent to Join Form is not postmarked, emailed, or faxed by [DATE], the Court may not allow you to participate in the federal law portion of this lawsuit.**

Even if you did not work for Defendants between July 23, 2010 and the present, you may be able to join this lawsuit as long as you worked for Defendants at some point on or after July 23, 2007. To do so, contact Plaintiffs' attorney at the phone number, mailing address or email address listed in Section 9.

14. Do I have a lawyer in this case?

If you choose to join this lawsuit, you will be represented by Alan Serrins, Michael Taubenfeld and other lawyers at Serrins Fisher LLP, 233 Broadway, Suite 2340, New York, NY 10279, www.serrinsfisher.com.

However, you have the right to consult with, or retain, any other lawyer of your choosing.